

10914. Adulteration and misbranding of canned shrimp. U. S. v. 41 Cases of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16198. I. S. No. 6781-t. S. No. E-3886.)

On or about May 29, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 41 cases of canned shrimp, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Acme Packing Co., Apalachicola, Fla., on or about March 26, 1922, and transported from the State of Florida into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Ac.Pa.Co Brand Fancy Shrimp Wet Contents 5½ Oz. * * * Packed by The Acme Packing Co. Apalachicola, Fla."

Adulteration of the article was alleged in the libel for the reason that an excess quantity of a liquid substance, to wit, brine, had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the statement, to wit, "Shrimp, Wet Contents 5½ Oz.," borne on the labels of the cans containing the article, regarding the said article and the quantity thereof contained in the said cans, was false and misleading in that the said statement represented that each of the said cans contained, exclusive of wet contents, to wit, brine in which preserved, 5½ ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5½ ounces of the said article, to wit, shrimp, whereas, in truth and in fact, each of said cans did not contain 5½ ounces of the article, but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Wet Contents 5½ Oz.," was vague and incorrect and represented more than the actual contents of the said article contained in the said package.

On September 5, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The goods were turned over to the marshal for use as food in penal institutions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10915. Misbranding of olive oil and corn oil. U. S. v. 22 Half Gallon Cans of Olive Oil and 22 Half Gallon Cans of Corn Oil. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 16369. I. S. Nos. 15617-t, 15618-t. S. No. E-3819.)

On May 11, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 half-gallon cans of olive oil and 22 half-gallon cans of corn oil, remaining unsold at Montclair, N. J., alleging that the articles had been shipped by the Bay Bee Oil Co., New York, N. Y., on or about March 27 and April 15, 1922, respectively, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Extra Sublime Pure Imported Olive Oil Blue Star Brand 3½ Lbs. Net or 0.98 of Half Gallon Bay Bee Oil Company Importers & Packers Lucca, Italy. New York, U. S. A. * * * Half Gallon;" "Olio Sopraffino Per Insalata 'Cob' Brand Extra Fine Corn Oil Packed by (monogram consisting of initials BOC) New York * * * Net Contents Half Gallon * * *."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements borne on the cans containing the respective articles, to wit, "3½ Lbs. Net or 0.98 of Half Gallon" and "Half Gallon," were false and misleading since the said cans did not contain 3½ pounds net or 0.98 half gallon and one-half gallon, respectively, of the said articles, but did contain a less amount, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 3½ pounds net or 0.98 half-gallon and one half-gallon, respectively, of the said articles, whereas, in truth and in fact, the said cans did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the